

# **EXHIBIT 36**

5/5/2007 Lucas, Phillip

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

IN RE:

CHAPTER 11

W.R. GRACE & CO., et al.,

CASE NO. 01-1139  
(JFK) (Jointly  
Administered)

DEBTORS.

VIDEOTAPED DEPOSITION OF  
PHILLIP H. LUCAS, M.D.

TAKEN AT THE INSTANCE OF W.R. GRACE & COMPANY  
AT THE OFFICES OF  
FORMAN, PERRY WATKINS, KRUTZ & TARDY  
JACKSON, MISSISSIPPI,  
ON SATURDAY, MAY 5, 2007,  
BEGINNING AT APPROXIMATELY 10:00 A.M.

APPEARANCES NOTED WITHIN

BETHANY CAMMACK  
CERTIFIED SHORTHAND REPORTER  
MISSISSIPPI CSR NO. 1526  
KELLER COURT REPORTING  
POST OFFICE BOX 1142  
RIDGELAND, MISSISSIPPI 39158

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1 Another method would be to negotiate a fixed rate  
2 for all of the films, positive or negative. And I  
3 would let them choose which method they would  
4 prefer.

5 Q. What would the fixed rate be?

6 A. It would depend. It would vary. Usually  
7 \$70.

8 Q. And was there -- in the instances where  
9 you didn't have a fixed rate, how would you charge  
10 for a positive versus a negative?

11 A. Well, positive and negative both got an  
12 interpretation. That's \$35. The positive cases  
13 had the ILO form filled out. Most of time. Some  
14 of the attorneys didn't want the ILO form. So  
15 positive or negative would be the same, 35.

16 Q. And if someone requested -- if one of the  
17 attorneys requested an ILO form, what would that  
18 cost?

19 A. 35.

20 Q. So for a positive with the ILO form, you  
21 would charge \$70?

22 A. Correct.

23 Q. And for a negative you would charge 35?

24 A. Correct.

25 Q. So you would charge more for a positive

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1 B-read in these instances than a negative B-read?

2 MS. BRONSON: Objection. Asked and  
3 answered.

4 BY MR. BIANCA:

5 Q. Did you answer?

6 A. Oh, I'm sorry. Yes. In that system, the  
7 35, 35 system, yes, positives would be charged more  
8 than the negative.

9 Q. Okay. Would you agree that any of the ---  
10 any B-read report by you is not a diagnosis?

11 A. Not a diagnosis of what?

12 Q. Of, for instance, if you found -- if you  
13 state in your report that your findings were  
14 consistent with asbestosis, that would not be a  
15 diagnosis of asbestosis, would it?

16 A. No.

17 Q. And what would it be?

18 A. It would be an indication that if that  
19 individual had adequate exposure, had the adequate  
20 latency period, then that could be asbestosis.  
21 Could be something else too.

22 Q. So your B-read reports are not diagnoses  
23 of anything, are they?

24 A. Not diagnosis of asbestosis. One --  
25 obviously, if I say there's something there, and